

Executive Summary – Enforcement Matter – Case No. 65211
TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC
RN110863560
Docket No. 2024-0064-WQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Cleveland Plant 2, located approximately 1.16 miles south from the intersection of County Road 332 and Farm-to-Market Road 1010, Cleveland, Liberty County

Type of Operation:

Sand mining operation

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,812

Amount Deferred for Expedited Settlement: \$1,562

Total Paid to General Revenue: \$6,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 5, 2023

Date(s) of NOE(s): December 14, 2023

Executive Summary – Enforcement Matter – Case No. 65211
TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC
RN110863560
Docket No. 2024-0064-WQ-E

Violation Information

1. Failed to maintain structural controls. Specifically, the Respondent did not inspect structural controls once every seven calendar days and did not stabilize the entrances and exits to reduce sediment tracked onto public roads [30 TEX. ADMIN. CODE § 311.103(b) and (j)].
2. Failed to develop a written Mine Plan. Specifically, the Respondent failed to develop a written Mine Plan that is certified by a Texas Professional Engineer or a Texas Professional Geoscientist [30 TEX. ADMIN. CODE § 311.103(h)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Develop and maintain a written Mine Plan that is certified by a Texas Professional Engineer or a Texas Professional Geoscientist; and
 - ii. Install and maintain structural controls to prevent the unauthorized discharge of sediment and stormwater.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Megan Crinklaw, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1129; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Somaiah Kurre, President, TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC, 1367 Woodcrest Drive, Houston, Texas 77018

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Dec-2023			
	PCW	28-Jan-2024	Screening	28-Dec-2023	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC				
Reg. Ent. Ref. No.	RN110863560				
Facility/Site Region	12-Houston		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	65211	No. of Violations	2
Docket No.	2024-0064-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Megan Crinklaw
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$1,562
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Notes	Enhancements for one NOV with same/similar violations and one Agreed Order containing a denial of liability.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$490	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$7,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,812
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$7,812
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,812
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,562
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,250
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Screening Date

28-Dec-2023

Docket No.

2024-0064-WQ-E

PCW

Respondent

TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC

Case ID No.

65211

Reg. Ent. Reference No.

RN110863560

Media

Water Quality

Enf. Coordinator

Megan Crinklaw

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancements for one NOV with same/similar violations and one Agreed Order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

25%

Screening Date	28-Dec-2023	Docket No.	2024-0064-WQ-E	PCW	
Respondent	TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC			Policy Revision 5 (January 28, 2021)	
Case ID No.	65211			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN110863560				
Media	Water Quality				
Enf. Coordinator	Megan Crinklaw				
Violation Number	<input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 311.103(b) and (j)"/>				
Violation Description	<input type="text" value="Failed to maintain structural controls. Specifically, the Respondent did not inspect structural controls once every seven calendar days and did not stabilize the entrances and exits to reduce sediment tracked onto public roads."/>				
Base Penalty				<input type="text" value="\$25,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				
Adjustment				<input type="text" value="\$21,250"/>	
					<input type="text" value="\$3,750"/>
>> Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="23"/>	Number of violation days	
	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$3,750"/>	
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text" value="x"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="One quarterly event is recommended from the investigation date (December 5, 2023) to the screening date (December 28, 2023)."/>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input type="text" value="x"/>	<input type="text"/>		
	Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal				<input type="text" value="\$3,750"/>	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		<input type="text" value="\$381"/>	Violation Final Penalty Total		<input type="text" value="\$4,688"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$4,688"/>	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC

65211

RN110863560

Water Quality

1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	5-Dec-2023	5-Jan-2025	1.09	\$18	\$363	\$381
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Engineering/Construction cost to install and maintain effective structural controls. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$381

Screening Date		28-Dec-2023		Docket No.		2024-0064-WQ-E		PCW	
Respondent		TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC							
Case ID No.		65211		Policy Revision 5 (January 28, 2021)					
Reg. Ent. Reference No.		RN110863560		PCW Revision February 11, 2021					
Media		Water Quality							
Enf. Coordinator		Megan Crinklaw							
Violation Number		2							
Rule Cite(s)		30 Tex. Admin. Code § 311.103(h)(1)							
Violation Description		Failed to develop a written Mine Plan. Specifically, the Respondent failed to develop a written Mine Plan that is certified by a Texas Professional Engineer or a Texas Professional Geoscientist.							
				Base Penalty		\$25,000			
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual							
		Potential							
						Percent		0.0%	
>> Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
				x					
						Percent		10.0%	
Matrix Notes		100% of the rule requirement was not met.							
				Adjustment		\$22,500			
						\$2,500			
Violation Events									
		Number of Violation Events		1		23		Number of violation days	
		daily							
		weekly							
		monthly							
		quarterly							
		semiannual							
		annual							
		single event		x					
						Violation Base Penalty		\$2,500	
		One single event is recommended.							
Good Faith Efforts to Comply		0.0%				Reduction		\$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
		Extraordinary							
		Ordinary							
		N/A		x					
		Notes		The Respondent does not meet the good faith criteria for this violation.					
						Violation Subtotal		\$2,500	
Economic Benefit (EB) for this violation									
		Estimated EB Amount		\$109		Violation Final Penalty Total		\$3,125	
						This violation Final Assessed Penalty (adjusted for limits)		\$3,125	

Economic Benefit Worksheet

Respondent TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC
Case ID No. 65211
Reg. Ent. Reference No. RN110863560
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	5-Dec-2023	5-Jan-2025	1.09	\$109	n/a	\$109
Notes for DELAYED costs	Estimated Other cost to develop and maintain a written Mine Plan that is certified by a licensed Texas Professional Engineer or Professional Geoscientist. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$2,000	TOTAL	\$109
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Compliance History Report

Compliance History Report for CN605706118, RN110863560, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605706118, TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC **Classification:** SATISFACTORY **Rating:** 18.07

Regulated Entity: RN110863560, CLEVELAND PLANT 2 **Classification:** SATISFACTORY **Rating:** 33.14

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 04 - Mining

Location: approximately 1.16 miles south from the intersection of County Road 332 and Farm-to-Market Road 1010, Cleveland, Liberty County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
STORMWATER PERMIT TXR05EL66 **AGGREGATE PRODUCTION OPERATION REGISTRATION** AP0003116
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 93506

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: June 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 05, 2019 to June 05, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Megan Crinklaw **Phone:** (512) 239-1129

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/07/2023 ADMINORDER 2021-0362-WQ-E (1660 Order-Agreed Order With Denial)
- Classification: Major
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- TWC Chapter 26 26.121
- Rqmt Prov: TPDES General Permit No. TXR050000. PERMIT
- Description: During an investigation conducted from October 4, 2020 through October 23, 2020, an investigator documented that the Respondent failed to install and maintain best management practices at the Facility which resulted in a discharge of pollutants into or adjacent to any water in the state. Specifically, on October 23, 2020, a berm breach occurred in the Waste Water Pit, resulting in the discharge of sediment-laden stormwater into the East Fork of the San Jacinto River...
- Classification: Moderate
- Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
- Rqmt Prov: TPDES General Permit No. TXR050000. PERMIT
- Description: Failure to maintain BMPs in an effective operating condition.
- Classification: Major
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- TWC Chapter 26 26.121
- Rqmt Prov: TEXAS WATER CODE CHAPTER 26.121 PERMIT
- Description: Failed to install and maintain best management practices at the Facility which resulted in a discharge of

pollutants into or adjacent to any water in the state. Specifically, on May 2, 2021, the East Fork of the San Jacinto River flowed into the active mining area, and a berm breach occurred between the active mining area and the settling pond, resulting in the discharge of sediment-laden stormwater.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Part III, Section E, No. 6(b)(1) PERMIT

Description: Failed to report an unauthorized discharge orally to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the TCEQ Regional Office and the TCEQ Enforcement Division within five days of becoming aware of the noncompliance. Specifically, the unauthorized discharge began on May 2, 2021, and the oral and written noncompliance notifications ("NCNs") were not completed in a timely manner

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 22, 2019	(1602645)
Item 2	March 30, 2023	(1894149)
Item 3	February 14, 2024	(1971901)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	07/12/2023	(1908876)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 334, SubChapter A 334.1(a)(1)		
	Description:	Failure to register an Aboveground Storage Tank (AST).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 311, SubChapter J 311.103(h)		
	Description:	Failure to develop a Mine Plan signed and certified by a licensed Texas professional engineer or a licensed Texas professional geoscientist.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 311, SubChapter J 311.103(b) 30 TAC Chapter 311, SubChapter J 311.103(j)		
	Description:	Failure to maintain structural controls.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS CONCRETE SAND AND
GRAVEL ENTERPRISE INC
RN110863560

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0064-WQ-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent operates a sand mining operation located approximately 1.16 miles south from the intersection of County Road 332 and Farm-to-Market Road 1010 in Cleveland, Liberty County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$7,812 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,250 of the penalty and \$1,562 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on December 5, 2023, an investigator documented that the Respondent:

1. Failed to maintain structural controls, in violation of 30 TEX. ADMIN. CODE § 311.103(b) and (j). Specifically, the Respondent did not inspect structural controls once every seven calendar days and did not stabilize the entrances and exits to reduce sediment tracked onto public roads.
2. Failed to develop a written Mine Plan, in violation of 30 TEX. ADMIN. CODE § 311.103(h)(1). Specifically, the Respondent failed to develop a written Mine Plan that is certified by a Texas Professional Engineer or a Texas Professional Geoscientist.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC, Docket No. 2024-0064-WQ-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:

- i. Develop and maintain a written Mine Plan that is certified by a Texas Professional Engineer or a Texas Professional Geoscientist, in accordance with 30 TEX. ADMIN. CODE § 311.103(h)(1); and
 - ii. Install and maintain structural controls at the Facility to prevent the unauthorized discharge of sediment and stormwater, in accordance with 30 TEX. ADMIN. CODE § 311.103(b) and (j).
- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/15/2024


Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7/11/24

Date

Somaiah Kurre

Name (Printed or typed)

President

Title

Authorized Representative of
TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC

☐ If mailing address has changed, please check this box and provide the new address below: